

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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ANDRES MORA,

Plaintiff,

-against-

ORDER

05-CV-5247 (NG)

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

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GERSHON, United States District Judge:

The Court has reviewed defendant's letter to plaintiff, dated October 6, 2006, indicating that it has been unable to prepare the administrative record because the Social Security Administration has been unable to locate the tape of plaintiff's hearing before the Administrative Law Judge. Defendant offered to remand the case in an attempt to locate the tape, or, if necessary, hold a new hearing. To date, plaintiff has not responded to defendant's request for a remand.

Defendant is hereby directed to conduct another search for the tape of plaintiff's hearing and to prepare the administrative record. If defendant's efforts are unsuccessful, defendant shall, within 30 days, submit a detailed affidavit from the Custodian of Records describing the actions that were taken to comply with this order. If the Court is satisfied with defendant's efforts, defendant will be permitted to file its Motion for Remand.

SO ORDERED.

/s/ Nina Gershon

NINA GERSHON

United States District Judge

Dated: December 26, 2006
Brooklyn, New York

